

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:)
)
GARY W. LEE,) Case No. SWO-P2B-02A-00-005
License No. CSWP-578-C,)
) **STIPULATED REPRIMAND**
Respondent.) **AND FINAL ORDER**
)

Social\P0347lwa

WHEREAS, information having been received by the Idaho State Board of Social Work Examiners (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Gary W. Lee (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of social work in the State of Idaho in accordance with title 54, chapter 32, Idaho Code.

2. Respondent Gary W. Lee is a licensee of the Idaho State Board of Social Work Examiners and holds License No. CSWP-578-C to practice social work in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 32, Idaho Code.

3. In approximately November 1998, Paul E. entered Respondent's drug addiction program, Recovery Solutions. In approximately December 1998, Katie E., the sister of Paul E., also entered Recovery Solutions. Both Paul E. and Katie E. participated in aftercare treatment, and Katie E. participated in the program as a peer counselor.

4. During and after their children's treatment at Recovery Solutions, Kim E. and Ronald E., the parents of Paul E. and Katie E., participated in group therapy sessions for parents of participants at Recovery Solutions.

5. On approximately March 8, 1999, Kim E. began individual therapy with Respondent for post-traumatic stress disorder. The individual therapy consisted of approximately 21 sessions between March 8, 1999, and October 6, 1999.

6. On two occasions in approximately April 1999 and in November 1999, Ronald E. sought individual counseling with Respondent.

7. In approximately September 1999, Ronald E. and Kim E. hosted a barbecue at their house and invited Respondent, the parents involved in the parents group at Recovery Solutions, and certain community leaders to discuss and promote Respondent's program, Recovery Solutions.

8. After the barbecue in September 1999, Kim E. and other parents involved in the parents group designed and created a brochure describing and promoting the Recovery Solutions program. Although Respondent did not participate in the creation of the brochure, he did attend parents' meetings to ensure that the information on the brochure was accurate. Respondent did not decline the parents' group's offer of the brochure and informed the group that "whatever you can do will help."

9. After the barbecue in September 1999, Kim E. gradually increased the amount of volunteer time she devoted to Recovery Solutions and to the involvement of the parents' group in the program. By December 1999, Kim E. was making almost daily calls to Respondent or parents in the group to discuss the program and the participants in the program. Respondent did not attempt to stop Kim E.'s volunteer participation in or promotion of Recovery Solutions.

10. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of social work, specifically Idaho Code §§ 54-3211(6) and IDAPA 24.14.01.450.01.h. Violations of these laws and rules would further

constitute grounds for disciplinary action against Respondent's license to practice social work in the State of Idaho.

11. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby agrees to the discipline against his license as set forth in Section C below.

B.

I, Gary W. Lee, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice social work in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of social work in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulated Reprimand and Final Order as a resolution of the pending allegations.

3. I understand that in signing this Stipulated Reprimand and Final Order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent is hereby formally reprimanded by the Board.

2. Respondent shall pay investigative costs and attorney fees in the amount of One Thousand Two Hundred and No/100 Dollars (\$1,200.00) within six months (180 days) of the entry of the Board's Order.

3. Respondent shall attend a continuing education course in ethics and shall take and pass any examinations given at the conclusion of the course. The content of the proposed ethics course must be pre-approved by the Board within six (6) months of the date of entry of the Board's Order. Respondent shall complete said Board-approved ethics course within one (1) year of the date of entry of the Board's Order and shall submit proof of attendance and proof that he passed any given examinations within 30 days of the conclusion of the course. The continuing education course in ethics shall be in addition to any continued education hours required to maintain licensure.

4. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

5. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or its agents.

6. All costs associated with compliance with the terms of this Stipulated Reprimand and Final Order are the sole responsibility of Respondent.

7. The violation of any of the terms of this Stipulated Reprimand and Final Order by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulated Reprimand and Final Order.

D.

1. It is hereby agreed between the parties that this Stipulated Reprimand and Final Order shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulated Reprimand and Final Order, and if

rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulated Reprimand and Final Order is rejected.

3. If the Stipulated Reprimand and Final Order is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulated Reprimand and Final Order will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Stipulated Reprimand and Final Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulated Reprimand and Final Order shall be considered a violation of Idaho Code § 54-3211. If Respondent violates or fails to comply with this Stipulated Reprimand and Final Order, the Board may impose additional discipline including suspension or revocation of Respondent's license pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulated Reprimand and Final Order. Respondent waives a hearing before the Board on the facts

and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

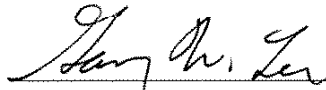
c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. The Board shall have the right to make full disclosure of this Stipulated Reprimand and Final Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, Idaho Code §§ 9-337-50.

8. This Stipulated Reprimand and Final Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 3 day of February, 2001.



GARY W. LEE
Respondent

I concur in this Stipulated Reprimand and Final Order.

DATED this 9 day of February, 2001.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Kirsten L. Wallace
KIRSTEN L. WALLACE
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-3204, the foregoing is adopted as the decision of the Board of Social Work Examiners in this matter and shall be effective on the 26th day of February, 2001. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF SOCIAL WORK EXAMINERS

By Kenneth Salzman
KENNETH SALZMAN, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 2001, I caused to be served a true and correct copy of the foregoing by the following method to:

Gary W. Lee
3813 Rose Hill
Boise, ID 83705

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Kirsten L. Wallace
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail


THOMAS LIMBAUGH, Chief
Bureau of Occupational Licenses